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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,800	05/04/2005	Hakan Zetterstrom	027651-275	6080

21839 7590 12/27/2006  
BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/533,800

Applicant(s)

ZETTERSTROM ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 8-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05042005&06302005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I (claims 1-7) in the reply filed on 11/27/2006 is acknowledged. The traversal is on the ground(s) that searching for the other two groups will not burden the examiner. This is not found persuasive because as disclosed in the previous paper of 10242006, that there are three different invention and each one require different search and consideration, which will cause on burdening the examiner.

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The disclosure is objected to because of the following informalities: in page 2, lines 3 and 4 are referring to claims 1 and 2-7; which is not accepted on the specification.

Appropriate correction is required.

The abstract of the disclosure is objected to because applicants need to delete the last line of the abstract "Elected for publication: Fig. 1". Correction is required. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate two different parts as shown in Figs. 5c and 6b. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet

Art Unit: 3721

should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the end of the bottom" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, lines 10 and 11 "the secondary flaps on each side of each primary flap" is indefinite as it is not clear how come the secondary and primary flap will be on the same side; see for example Fig. 5c on the filed application as 31 refers to the primary flap while 32 refers to the secondary flap, which both don't seem being located on the same side?; etc.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3721

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Cromwell (U.S. Patent No. 5,533,666).

Cromwell discloses a method of folding a bottom of a package, which comprises a sleeve of packaging material with a transversal seal at the end of the bottom forming portion of the package, said portion having the shape of a fin, see for example (Figs. 1-5), comprising the steps of folding the fin (Fig. 3; via folding portions 70 and 78) such that primary flaps are created (Fig. 3; via primary flaps 72, 76, 80, and 84) at the transversal ends of the fin, breaking corners on the folded fin (Fig. 3; via breaking corners by the end of the fin 70 and 78 to create the primary flaps) in the boundary regions between the primary flaps and the edge between the part of the sleeve forming the bottom and the rest of the sleeve (Figs. 1-5) such that secondary flaps (fig. 3; via flaps 74 and 82) are folded in between the primary flaps and the remaining part of the fin (Figs. 1-5), "the secondary flaps on each side of each primary flap" thereby being folded essentially towards each other (Figs. 3-5), folding the primary flaps towards each other, and pressing the primary flaps towards the remaining part of the bottom forming part of the sleeve (Fig. 12).

Regarding claim 2: wherein the bottom of the package is folded into an octagonal shape (Figs. 1-5).

Regarding claim 3: wherein the sleeve has a longitudinal seal (Figs. 6 and 7; note that it is inherent that such seal has to be done to the cardboard in order to come up with standing carton) and the fin is pre-folded away from the longitudinal seal prior to the primary flap creating folding step (Figs. 3-5).

Art Unit: 3721

Regarding claim 6: wherein a first partible external forming tool retains the package during the pressing-down step (Figs. 8-12).

Regarding claim 7: wherein the first partible external forming tool is opened and closed along the contours of a parallelogram (Fig. 8; via pivoted plates 156, 158, 160, and 162 and the vertically moving piston 163).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell (U.S. Patent No. 5,533,666).

Cromwell does not disclose heating the fin in a number of locations during the pre fold. However, the examiner takes an official notice that such use of heat during folding a container in order to seal the flaps to the body of the container or to each other is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cromwell's method of folding a bottom of a package to use the teaching of using heated means to heat the fin as a matter of engineering design choice, in order to permanently and strongly hold the flaps to the body of the container/sleeve and to each other.

Art Unit: 3721

***Conclusion***

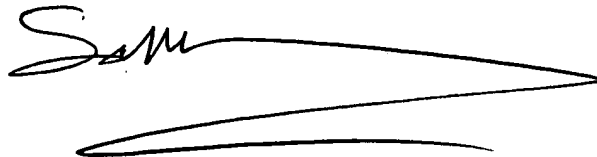
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721

A handwritten signature in dark ink, appearing to read 'Sameh', followed by a long, horizontal, slightly wavy line that extends to the right.

ST.